

Maurer School of Law: Indiana University Digital Repository @ Maurer Law

Articles by Maurer Faculty

Faculty Scholarship

2015

Can't We Be Your Neighbor? Trayvon Martin, George Zimmerman, and the Resistance to Blacks as Neighbors

Jeannine Bell

Indiana University Maurer School of Law, jeabell@indiana.edu

Follow this and additional works at: <http://www.repository.law.indiana.edu/facpub>



Part of the [Civil Rights and Discrimination Commons](#), and the [Housing Law Commons](#)

Recommended Citation

Bell, Jeannine, "Can't We Be Your Neighbor? Trayvon Martin, George Zimmerman, and the Resistance to Blacks as Neighbors" (2015). *Articles by Maurer Faculty*. 2411.

<http://www.repository.law.indiana.edu/facpub/2411>

This Article is brought to you for free and open access by the Faculty Scholarship at Digital Repository @ Maurer Law. It has been accepted for inclusion in Articles by Maurer Faculty by an authorized administrator of Digital Repository @ Maurer Law. For more information, please contact wattn@indiana.edu.



LAW LIBRARY
INDIANA UNIVERSITY
Maurer School of Law
Bloomington

**PANEL III: RESHAPING PUBLIC AND
PRIVATE SPACE: PUBLIC
ACCOMMODATIONS,
NEIGHBORHOODS, AND HOUSING**

**CAN'T WE BE YOUR NEIGHBOR? TRAYVON MARTIN,
GEORGE ZIMMERMAN, AND THE RESISTANCE TO
BLACKS AS NEIGHBORS**

JEANNINE BELL*

INTRODUCTION—A RACIALIZED NEIGHBORHOOD KILLING 852

I. THE DEFENSE OF NEIGHBORHOOD PROPERTY 854

 A. *Not Just Watching: Neighborhood Policing Through Anti-
 Integrationist Violence* 856

 B. *Non-White Perpetrators* 859

 C. *Neighborhood Hate Crimes in the Land of Flowers: Anti-
 Integrationist Violence in Florida* 861

II. BLACK IN-MIGRATION AND THE “INTEGRATION NIGHTMARE” 864

 A. *Right Place, Wrong Face* 866

 B. *The Integration Nightmare and Blacks as Bad Neighbors* 868

CONCLUSION..... 870

* Professor of Law, Louis F. Neizer Faculty Fellow, Indiana University Maurer School of Law, Bloomington. A.B. Harvard College, 1991; J.D. University of Michigan, 1999; Ph.D. (Political Science) 2000. Many thanks to Kevin Brown, Dawn Johnsen, Tim Lovelace, and Aviva Orenstein for their helpful comments and suggestions. This Article uses data from my recently published book, *HATE THY NEIGHBOR: MOVE-IN VIOLENCE AND THE PERSISTENCE OF RACIAL SEGREGATION IN AMERICAN HOUSING* (2013). The book has received significant feedback over the last several years, including in 2013 from faculty members at University of Washington School of Law and audience members at the Law & Society Association Annual Meeting. I am grateful to Lauren Mehrtens, Stephen Briles, Matthew Showalter, and Amy Skelton for their excellent assistance with research. Many thanks to Julia Sternman and the editors of the Boston University Law Review for excellent editorial assistance.

The Civil Rights Act of 1964 paved the way for the Fair Housing Act of 1968, which was designed to address discrimination in one of our most intimate spaces—neighborhoods. Fifty-six years after the passage of the Fair Housing Act, Americans remain fiercely resistant to the concept of neighborhood integration. This Article uses an unlikely event, the killing of Trayvon Martin, to discuss one manifestation of that resistance with disturbing implications.

INTRODUCTION—A RACIALIZED NEIGHBORHOOD KILLING

February 26, 2012 was a cold and rainy evening in Sanford, Florida. George Zimmerman, a twenty-eight-year-old neighborhood watch volunteer, encountered Trayvon Martin, a seventeen-year-old, walking in Zimmerman's gated community, The Retreat at Twin Lakes. We know roughly what time Zimmerman saw Martin because 911 records show Zimmerman's call at 7:10 p.m. to report a "real suspicious guy" in the area.¹ Zimmerman told the 911 dispatcher that he was following Martin, stating, "These assholes, they always get away."² Minutes later, several people called 911 in response to the pursuit that ensued. Shortly after the pursuit began, Zimmerman drew his pistol and fatally shot Martin.³

The police did not arrest Zimmerman at the scene. Sanford police later told the media that once Zimmerman insisted that he'd shot Trayvon in self-defense, police procedure predicated on Florida's Stand Your Ground Law prohibited Zimmerman's arrest.⁴ After significant social media frenzy and nationwide protests, a special prosecutor, Angela B. Corey, state attorney for the Jacksonville area, was appointed to the case. After an investigation, Corey charged Zimmerman with second-degree murder and manslaughter.⁵ The jury of five White⁶ women and one Hispanic woman acquitted Zimmerman in July 2013.⁷ The not-guilty verdict sparked further nationwide protests.

¹ Dan Barry et al., *In the Eye of a Firestorm: In Florida, an Intersection of Tragedy, Race and Outrage*, N.Y. TIMES, Apr. 2, 2012, at A1. The absence of any witnesses at a close distance from the two men at the time of their encounter means that there are no direct sources of what occurred outside of Zimmerman's account, and we have few incontrovertible facts about the encounter between Zimmerman and Trayvon Martin. We do, however, have Zimmerman's statements to the police and transcripts of his 911 calls.

² *Id.*

³ *Id.*

⁴ *Id.*

⁵ Lizette Alvarez & Cara Buckley, *Zimmerman is Acquitted in Trayvon Martin Killing*, N.Y. TIMES, July 14, 2013, at A1.

⁶ Like many scholars who write in the area of race relations, in this Article I have capitalized "Black" and "White" when used to signify an individual's racial background.

⁷ Cara Buckley, *Female Jurors Are Selected for Zimmerman Trial*, N.Y. TIMES, June 21, 2013, at A13.

The encounter resulting in Martin's death lasted just minutes. No direct witnesses other than the accused himself could testify to the crime, and Zimmerman chose not to take the stand. It is clear, however, from Zimmerman's first 911 call that the tragic encounter between Zimmerman and Martin began with the idea that Martin, a teenager whom Zimmerman outweighed, was "real suspicious."⁸ Race is the best explanation for why Zimmerman pursued Martin, despite the 911 dispatcher's direct instruction that he not do so.⁹ Though Zimmerman did not know this, Martin was in the area legitimately visiting with his father, whose girlfriend lived in the neighborhood.¹⁰ Martin was out of the house because he had just been on a snack run to the local convenience store.¹¹ Without any facts other than Martin's appearance, Zimmerman immediately linked Martin to the break-ins that had occurred in the neighborhood, and assumed that Martin was most likely there to cause trouble. Though it is common for Black men to be stopped by the police as they travel through predominately White neighborhoods, in this case Martin was *not* demographically out of place. The Retreat at Twin Lakes was not an all-White neighborhood, with 20% African American, 23% Hispanic, 49% Caucasian, and 5% Asian residents.¹² Empirically, Martin *looked* like he belonged. But not to Zimmerman.

The public outrage both before and after the jury's verdict in Zimmerman's criminal trial suggests that many Americans have a hard time understanding why this crime occurred. Offering an explanation, scholars and commentators have placed significant blame for the tragedy on Stand Your Ground laws.¹³ While it seems true that, but for the national outcry, Florida's Stand Your Ground law would have allowed Zimmerman to escape prosecution entirely, I

⁸ 911 records reveal that on numerous previous occasions, Zimmerman had called 911 to report Black men as suspicious in his development. See Frances Robles, *Shooter of Trayvon Martin a Habitual Caller to Cops*, MCCATCHYDC, Mar. 19, 2012, <http://www.mccatchydc.com/2012/03/19/142416/shooter-of-trayvon-martin-a-habitual.html>, archived at <http://perma.cc/5KU9-97UQ>.

⁹ Cynthia Lee, *Making Race Salient: Trayvon Martin and Implicit Bias in a Not Yet Post-Racial Society*, 91 N.C. L. REV. 1555, 1566 (2013). The portion of the recording of the 911 call made by Zimmerman at approximately 7:11 p.m. reporting a suspicious individual in the area in which Zimmerman's pursuit of Trayvon was documented is as follows: "The dispatcher asked Zimmerman if he was following the suspicious person. When Zimmerman responded affirmatively, the dispatcher told him, 'O.K., we don't need you to do that.'" *Id.* at 1557 (citations omitted).

¹⁰ Barry et al., *supra* note 1.

¹¹ See *id.*

¹² Robles, *supra* note 8.

¹³ See, e.g., Anthony Hall, *Stand for Justice—Examining Why Stand Your Ground Laws Negatively Impact African Americans*, 7 S. REGION BLACK L. STUDENTS ASS'N L.J. 95 (2013); Geraldine L. Palmer, *Dissecting the Killing of Trayvon Martin: The Power Factor*, 5 J. SOC. ACTION IN COUNSELING & PSYCH. 126, 128 (2013); Lizette Alvarez, *A Florida Law Gets Scrutiny After a Killing*, N.Y. TIMES, Mar. 21, 2012, at A1.

argue that there are better explanations for both Zimmerman's actions and the jury's verdict. We can best understand Zimmerman's actions that February night if we view his behavior in the context of the particular neighborhood setting where the killing occurred. The facts that we do know about Zimmerman's actions and motivation suggest that his crime was a classic act of neighborhood defense influenced, as it typically is, by an unarticulated longing for White neighborhoods. Both the crime and the jury's acquittal make much more sense when viewed through the lens and the context of neighborhood defense.

This Article expands on the idea of the suspiciousness of Black males by locating Zimmerman's confrontation with Martin in the neighborhood context. The encounter that led to Martin's tragic death stems from complex factors exacerbated by issues of neighborhood property ownership and notions of belonging. American neighborhoods are not some post-racial space. In fact, racially motivated violence to protect the Whiteness of neighborhoods is part of the reality for too many African Americans.¹⁴ Many Americans' attachment to White neighborhoods and their idealization of Whites-only spaces perpetuates the stereotype of assuming minorities to be outsiders who do not belong in such spaces, even as those neighborhoods actually become more diverse. The space in which the interaction occurs is crucial.

This Article's analysis comes in two parts. Part I highlights the defense of neighborhood property though institutions like neighborhood watch and, in that context, probes the roots of many Americans' longing for White neighborhoods. This idealization of White spaces has led many residents of White neighborhoods to commit crimes against minorities who dare to cross the color line. In this Part, I focus on crimes committed in defense of White neighborhoods and look at hate crime in Florida. Part II outlines the association of Black men with crime and generalized suspicion about Black people as neighbors. I address the relationship between White neighborhoods and Blacks being seen as threats when they have encounters with Whites outside White neighborhoods.

I. THE DEFENSE OF NEIGHBORHOOD PROPERTY

The context of Martin's killing is crucial to understanding the tragedy. In 2011, a number of burglaries were reported at The Retreat at Twin Lakes, and the homeowners' association decided to create a neighborhood watch.¹⁵ Neighbors selected Zimmerman as neighborhood watch coordinator to patrol The Retreat and protect it from criminals—outsiders who might cause harm.¹⁶ Zimmerman invited the police to come to a meeting of neighbors to explain

¹⁴ See generally JEANNINE BELL, *HATE THY NEIGHBOR: MOVE-IN VIOLENCE AND THE PERSISTENCE OF RACIAL SEGREGATION IN AMERICAN HOUSING* (2013).

¹⁵ *Id.*

¹⁶ Barry et al., *supra* note 1; Campbell Robertson & John Schwartz, *Shooting Focuses Attention on a Program That Seeks to Avoid Guns*, N.Y. TIMES, Mar. 23, 2012, at A12.

guidelines for the watch.¹⁷ These guidelines included the provision that volunteers did not possess police powers and that volunteers should not be armed; they should serve as the eyes and ears of the police—not as vigilantes.¹⁸

In some respects, neighborhood watch encourages the profiling behavior in which Zimmerman engaged on the night he shot Martin. For instance, an organization that provides materials to neighborhood watch groups, USAonWatch, identifies the primary activity of members as observation. Part of observational skills includes noting anything that “looks out of place,” including anything that “feels uncomfortable,” or things that don’t seem normal in the neighborhood.¹⁹ The materials specifically ask individuals to note people’s unchangeable characteristics like height, weight, gender, and ethnicity to help them determine if the people are from the neighborhood or if they are out of place.²⁰

As the neighborhood watch coordinator at The Retreat, Zimmerman acted as the primary liaison between the neighborhood watch organization in his gated community and law enforcement.²¹ After several contentious encounters as coordinator, the volunteer coordinator for the Sanford Police Department met with the residents at The Retreat to discuss the “rules and responsibilities” of a neighborhood watch.²² She instructed Zimmerman and the group not to physically pursue any suspected individuals, but instead to leave this function to local authorities as instructed by the neighborhood watch guides.²³ Zimmerman claimed at his trial that he was acting within his capacity as coordinator when he shot Martin, pursuing someone whom he believed to be responsible for recent burglaries in the neighborhood.²⁴ Since Martin’s murder, Sanford city government has removed its online resources for neighborhood watch groups in the city.

Martin’s death is not the only overzealous attack by those watching a neighborhood. In 2010, two brothers, Eliyahu and Avi Werdesheim, who were members of the Jewish neighborhood watch group Shomrim in a Jewish neighborhood in Baltimore, were charged with false imprisonment, second-

¹⁷ Barry et al., *supra* note 1.

¹⁸ Robertson & Schwartz, *supra* note 16.

¹⁹ National Sheriffs’ Association and Bureau of Justice Assistance, *Neighborhood Watch Manual – USAonWatch National Neighborhood Watch Program*, 1, 21 (2005), https://www.bja.gov/Publications/NSA_NW_Manual.pdf, archived at <https://perma.cc/U76E-YV98>.

²⁰ *Id.* at 20. The USAonWatch materials try to be fair by asking members to know everyone who is in the neighborhood, so as to discern local residents from unknown visitors. See *id.* at 9.

²¹ See *id.* at 6.

²² Robertson & Schwartz, *supra* note 16.

²³ *Id.*

²⁴ Alvarez & Buckley, *supra* note 5.

degree assault, and use of a deadly weapon for viciously attacking a young Black teenager.²⁵ According to news reports, Eli Werdesheim was on patrol when he spotted fifteen-year-old Corey Ausby.²⁶ The two brothers began following the teenager, who became frightened and picked up a plank studded with nails from a construction site.²⁷ Avi, who was not a member of Shomrim, said to the teen, "Didn't I see you at Park Heights? You don't belong around here. You belong in school."²⁸ The teenager seemed scared, and he eventually charged the brother with the plank. In response, Eli, a former Israeli special forces soldier, used self-defense skills he learned while in the Israeli Army, blocking the board. He then knocked the teen to the ground with his handheld radio.²⁹ A Baltimore City Court judge found Eli Werdesheim guilty of false imprisonment and second-degree assault.³⁰

A. *Not Just Watching: Neighborhood Policing Through Anti-Integrationist Violence*

Zimmerman's killing of Martin stemmed from an encounter that was not planned. By contrast, violence directed at minorities who live in predominantly White neighborhoods is often planned as an attempt to get these minorities to leave. This is not a new phenomenon. Though Blacks and Whites lived together peacefully in the earliest days of housing integration, by the mid- to late-1920s, increases in Black migration spurred mobs of Whites intent on running Blacks out of the neighborhood.³¹

The experience of John Fletcher and his family who moved into a White block of Stoepel Avenue on the west side of Detroit in July of 1925 was typical of Blacks around the country who dared purchase in non-Black neighborhoods during that era.³² A mob of roughly 1,000 Whites coalesced outside the

²⁵ *Verdicts Split for Brothers Eli, Avi Werdesheim in Beating Trial*, WBALTV11 (May 4, 2012, 6:36 AM), <http://www.wbal.com/news/maryland/baltimore-city/Verdicts-split-for-brothers-Eli-Avi-Werdesheim-in-beating-trial/-/10131532/12547190/-/13y02koz/-/index.html#ixzz2kUMZF3EQ>, archived at <http://perma.cc/KGC9-AD4Q>.

²⁶ See Steve Kilar, *Elder Werdesheim Brother Convicted in Assault of Teen*, BALTIMORE SUN (May 3, 2013), http://articles.baltimoresun.com/2012-05-03/news/bs-md-werdesheim-verdict-20120503_1_avi-werdesheim-eliyahu-werdesheim-corey-ausby, archived at <http://perma.cc/XFB4-5RT8>.

²⁷ *Id.*

²⁸ *Verdicts Split for Brothers Eli, Avi Werdesheim in Beating Trial*, *supra* note 25.

²⁹ *Id.* The back of the teen's head was also cut. *Id.*

³⁰ *Id.*

³¹ See generally, e.g., STEVEN GRANT MEYER, AS LONG AS THEY DON'T MOVE NEXT DOOR: SEGREGATION AND RACIAL CONFLICT IN AMERICAN NEIGHBORHOODS (2000); THOMAS J. SUGRUE, SWEET LAND OF LIBERTY: THE FORGOTTEN STRUGGLE FOR CIVIL RIGHTS IN THE NORTH (2008).

³² MEYER, *supra* note 31, at 37.

Fletchers' new house, screaming, "Lynch him. Lynch him."³³ They threw pieces of coal at the house.³⁴ The Fletchers moved out the next day.³⁵

The form of violence has changed from its earlier manifestations. As late as the 1950s, violence directed at minorities who dared cross the color line was characterized by mob action as hundreds or thousands of neighbors gathered in protest when someone Black moved in. Today, social and legal pressures in the form of law—i.e. the Fair Housing Act³⁶ and hate crime laws³⁷—or societal pressure prevent White neighbors from gathering by the hundreds to throw rocks at Black homes.

Many different types of neighborhoods nonetheless continue to be plagued by racially violent acts. Systematic analysis of hate crimes occurring between 1990 and 2010 disproves assumptions that such violence is confined to the stereotypical working-class or poor neighborhood or concentrated in the southern United States.³⁸ One such example involved George and Samimah Aziz-Hodge of Corpus Christi, Texas, who awakened the morning of July 14, 2004 to the image of a cross burned on the lawn in front of their Country Club Estates home.³⁹ The couple, who had resided in the neighborhood for slightly less than a year, was the only African American family in the neighborhood.⁴⁰

Although such violence frequently occurs at the point when an individual or family first moves to an area, occasionally incidents may be directed at individuals who are longtime residents of a neighborhood. To describe such acts, I have coined a new term, "anti-integrationist violence." Anti-integrationist violence encompasses both incidents of violence directed at minorities who have moved to White neighborhoods which may occur soon after the individual has moved in, or at some point during his or her tenure in the neighborhood.

The perpetrator's intent in cases of anti-integrationist violence is abundantly clear: to cause the person to leave the neighborhood. Often the perpetrator's intent is revealed in his words: "Nigger, go home," to take one frequently used turn of phrase.⁴¹ The targets of this violence understand the message and frequently leave the neighborhood.

My research suggests these incidents are not a relic of the past. I have created a database of incidents directed at just over 430 non-White families or

³³ *Id.*

³⁴ *Id.*

³⁵ *Id.*

³⁶ Title VIII of the Civil Rights Act of 1968, Pub. L. No. 90-284, 82 Stat. 81 (codified as amended at 42 U.S.C. §§ 3601-3619 (2012)).

³⁷ For a discussion of the various types of hate crimes laws, see generally, e.g., ZACHARY J. WOLFE, *HATE CRIMES LAW* (2013).

³⁸ See BELL, *supra* note 14, at 67-69.

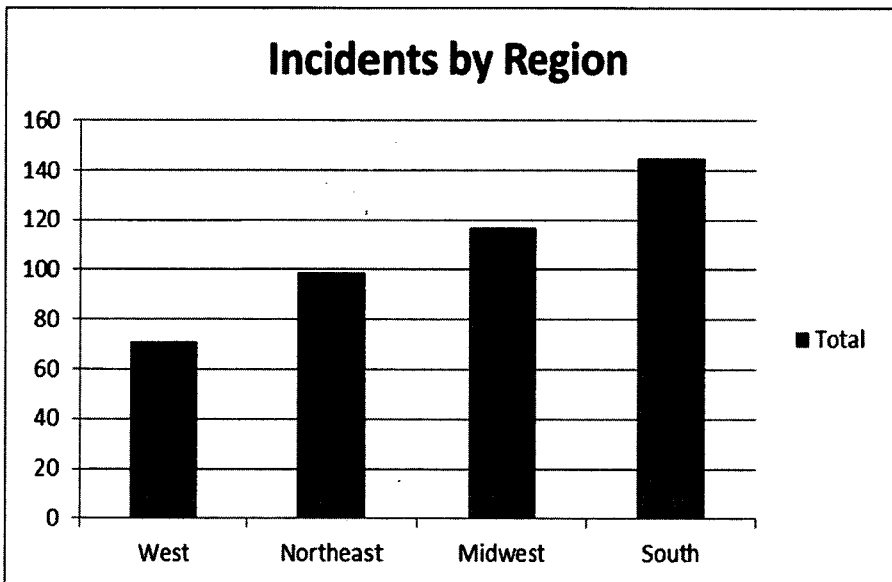
³⁹ See *id.* at 69 (citations omitted).

⁴⁰ See *id.*

⁴¹ See *id.* at 70.

individuals living in White neighborhoods who have been targeted by anti-integrationist violence.⁴² These attacks, described in news articles, occurred between 1990 and 2010. They were directed at racial and ethnic minorities who attempted to move to neighborhoods in which most of their neighbors did not share their race. The incidents catalogued represented a range of offenses including arsons, cross burnings, physical attacks, racist graffiti, threats, and vandalism. Often, families and individuals who were targeted suffered multiple attacks. Each of these incidents is catalogued both by state and region. Perhaps unsurprisingly, states in the South were identified as having the most incidents. What may be unexpected is how closely the Midwest follows. The fewest incidents were reported on the West Coast. (See Figure 1 below).

Figure 1⁴³



In some cases, the neighborhoods subject to neighborhood watches have the typical characteristics of the classic defended neighborhoods described above: South Boston, Bridgeport in Chicago, and Grays Ferry in Philadelphia in the 1990s were all working-class White ethnic neighborhoods.

Although acts of violence directed at minorities traditionally were assumed to only occur in White working-class areas, my analysis reveals that perpetrators have used violence to try to get minorities to move out of upscale neighborhoods as well. One vivid example occurred in Indian Head, Maryland,

⁴² *Id.*

⁴³ Data on file with author. See BELL, *supra* note 14, at 70.

on December 6, 2004.⁴⁴ The Hunters Brooke subdivision, composed of million-dollar homes, was under construction when an arsonist struck, causing \$10 million in damages to the soon-to-be occupied homes.⁴⁵ Many of the property owners were African American, and one of the perpetrators admitted that Blacks moving in had been one of the reasons he had set fire to the dwellings.⁴⁶

Anti-integrationist violence continues to occur in significant numbers and to deter minorities who desire to live in predominantly White neighborhoods. Such violence differs from that of the past in that it is now committed by individual perpetrators rather than by mobs.⁴⁷

B. *Non-White Perpetrators*

Whites are not the only perpetrators of anti-integrationist violence. In Los Angeles in the 1990s, Latino gang members targeted African Americans who had moved into Latino neighborhoods in a series of crimes. The crimes were directed at non-gang affiliated African Americans and were aimed at getting the targets to leave the neighborhood. Several African Americans were killed by gang members. For example, the 204th Street gang set a geographic boundary for Black residents in the neighborhood.⁴⁸ Black residents traveled beyond a particular street only at the risk of incurring the gang's wrath. In 2003, Eric Butler was shot to death after leaving a market that the gang considered in its territory.⁴⁹

A federal civil rights suit brought against several gang members detailed some of the crimes targeting African Americans in Highland Park, a predominately Latino neighborhood in northeast Los Angeles.⁵⁰ The crimes took place between 1995 and 2001.⁵¹ A fifteen-year-old African American boy riding a bike was shot.⁵² In addition to several murders of Blacks, a Black jogger was hit in the head with a pistol.⁵³ In another instance, members of the Avenues 43 gang drew outlines of human bodies in chalk on a Black family's

⁴⁴ Gary Gately, *Pall of Racism Remains over Neighborhood Repaired After Arson*, N.Y. TIMES, Oct. 6, 2005, at A16.

⁴⁵ *Id.*

⁴⁶ *See id.*

⁴⁷ *See* BELL, *supra* note 14, at 57-59.

⁴⁸ Sam Quinones, *How a Community Imploded: L.A. Long Ignored Harbor Gateway*, L.A. TIMES, Mar. 4, 2007, at A1 (describing the killings of Cheryl Green, Marquis Wilbert, Eric Butler, and others by gangs).

⁴⁹ *Id.*

⁵⁰ Joe Mozingo, *Four Latino Gang Members Are Convicted of Antiblack Plot: Jury Finds Man Terrorized and Killed in a Bid to Drive African-Americans out of Highland Park*, L.A. TIMES, Aug. 2, 2006, at B1.

⁵¹ *Id.*

⁵² *Id.*

⁵³ *Id.*

driveway with a racial slur.⁵⁴ All of these incidents were targeted at African Americans by Latino gang members and, prosecutors argued, were aimed at attempting to remove African Americans from the neighborhood.⁵⁵ In one case, Latino gang members knocked a Black woman off her bicycle.⁵⁶ The same woman's husband was threatened with a box cutter and told, "You niggers have been here long enough."⁵⁷ The jury deliberated for two days and convicted four members of the Avenues 43 gang of civil rights violations.⁵⁸

Even after the successful lawsuit against these gang members, African Americans living in predominately Latino neighborhoods continued to be victimized by hate crimes. In 2008, the annual report by the Los Angeles County Human Relations Commission found that hate crimes had risen by twenty-eight percent, with the largest number of racial hate crimes involving Latino suspects and Black victims.⁵⁹ Some of this bias-motivated activity may have had ideological roots. Law enforcement reported that some Latino gang members who targeted Blacks in Latino neighborhoods had been found with neo-Nazi materials and some Latino gangs in prisons had partnered with White supremacist organizations to prey on African Americans.⁶⁰

In 2011, a second federal indictment was brought against fifty-one members of the Azusa 13 street gang for terrorizing African Americans by vandalizing property and committing crimes to drive African Americans out of the city of Azusa, California.⁶¹ Though the perpetrators of the violence in Los Angeles were gang-affiliated and not ordinary civilians, there is some similarity between White fears in anti-integrationist violence cases and the fears of Latino gang members. Both groups worried that African Americans moving in would ruin the neighborhood. Whites worried that property values would decline. Latino gang members worried that African Americans—even if they had no gang affiliation—would open the door to competitors moving in on their territory. As a former gang member noted, "We're brainwashed to think that if we let a black family in, then their [gang] cousins are going to come from Compton[.]"⁶²

⁵⁴ *Id.*

⁵⁵ *See id.*

⁵⁶ *Id.*

⁵⁷ *Id.*

⁵⁸ *Id.*

⁵⁹ Theresa Wanatabe, *Crimes Rooted in Hatred Increase; L.A. County Panel Reports a 28% Rise Last Year, with Violence Between Latinos and Blacks Topping the List*, L.A. TIMES, July 25, 2008, at B3.

⁶⁰ *Id.*

⁶¹ Sam Quinones & Richard Winton, *Azusa Gang Terrorized Blacks, Indictment Says*, L.A. TIMES, June 8, 2011, at A1.

⁶² *Id.*

C. *Neighborhood Hate Crimes in the Land of Flowers: Anti-Integrationist Violence in Florida*

Central Florida, where Martin lived and died, is an ethnically rich place. As the United States moves toward minority majority, non-White demographic makeup, Florida is part of the vanguard. U.S. Census figures map the percentage of individuals by county who are minorities, defined as individuals who identify as something other than non-Hispanic Whites. Census estimates of the population in 2011 identified Hispanics, Asians, African Americans, and other non-Whites as being 36.6% of the total U.S. population.⁶³ Florida itself is 42% non-White.⁶⁴ Florida has at least four counties (Broward, Miami-Dade, Orange, and Osceola) in which minorities comprise a majority of the county population.⁶⁵

Interestingly, the nation as a whole right now looks a lot like Sanford, Florida, at least demographically. In 2010, Sanford was a city of approximately 53,000 people, with a population that was roughly 57% White, 30.5% African American, and just under 3% Asian.⁶⁶ With respect to ethnicity, as opposed to race,⁶⁷ 20% of the residents in Sanford identified as Hispanic or Latino.⁶⁸ The ZIP code in which Trayvon Martin was killed (32771) looks similar, with Census reports of roughly 59% Whites, roughly 31% African Americans, and 3% Asians.⁶⁹ Roughly 14% of the individuals in the ZIP code identified as Hispanic or Latino.⁷⁰ In the United States, roughly 17% of individuals identify as having Hispanic or Latino origin, 13.2% of individuals identify as African American, 77.7% identify as White, and just over 5% identify as Asian American.⁷¹

⁶³ *Most Children Younger Than Age 1 Are Minorities, Census Bureau Reports*, U.S. CENSUS BUREAU (May 17, 2012), <http://www.census.gov/newsroom/releases/archives/population/cb12-90.html>, archived at <http://perma.cc/SU5N-GVHQ>.

⁶⁴ *2012 Population Estimates*, U.S. CENSUS BUREAU, <http://factfinder.census.gov/faces/tableservices/jsf/pages/productview.xhtml?src=bkmk> (last visited Feb. 27, 2015).

⁶⁵ *Florida County Demographics*, U.S. CENSUS BUREAU (on file with author).

⁶⁶ STATE & COUNTY QUICK FACTS: SANFORD (CITY), FLORIDA, U.S. CENSUS BUREAU, <http://quickfacts.census.gov/qfd/states/12/1263650.html>, archived at <http://perma.cc/C4G2-H8VH> (last visited Feb. 7, 2015).

⁶⁷ “Hispanic” and “Latino” fall into the ethnicity—as opposed to “race”—category defined by the U.S. Census. STATE & COUNTY QUICK FACTS: HISPANIC ORIGIN, U.S. CENSUS BUREAU, http://quickfacts.census.gov/qfd/meta/long_RH1705210.htm, archived at <http://perma.cc/KWJ9-AML2> (last visited Feb. 7, 2015).

⁶⁸ STATE & COUNTY QUICK FACTS: SANFORD (CITY), FLORIDA, *supra* note 66.

⁶⁹ *2010 Census Summary*, U.S. CENSUS BUREAU (on file with author).

⁷⁰ *Id.*

⁷¹ STATE & COUNTY QUICK FACTS: USA, <http://quickfacts.census.gov/qfd/states/00000.html>, archived at <http://perma.cc/Y3VY-K848> (last visited Feb. 7, 2015).

Despite its racial diversity, Central Florida, where Sanford is located, is not known for its racial tolerance. Historically, Sanford is known to civil rights leaders as the place where Harry T. Moore, secretary of the NAACP, and his wife were killed by the Ku Klux Klan on Christmas Day, 1951.⁷² The bomb exploded beneath the couple's bedroom floor on their 25th wedding anniversary.⁷³ An investigation of old cases in the 1990s led the Justice Department to conclude that the culprits in the Moores' murders were three Klansman who had since died.⁷⁴

The existence of a racially diverse community of course does not necessarily mean that individuals all get along. The Florida Attorney General's office collected data on hate crimes for 2012 and identified 170 individuals who had been targeted, a 22% increase from the previous year.⁷⁵ Fifty-four percent of these incidents were race-based hate crimes.⁷⁶ One of the most violent hate crimes in 2012 was committed by a sixty-year-old White man, Walter Butler, in Port St. Joe, Florida. Butler shot and killed a Black neighbor who knocked on his door to complain about Butler having called a Black child in the complex a "nigger."⁷⁷

Despite Florida's overall diversity, some White residents have proven exceedingly resistant to minority integration. I collected news accounts of state incidents of anti-integrationist violence between 1990 and 2010, and Florida had the second highest number of incidents of violence directed at minorities moving to neighborhoods. (See Figure 2 below).

⁷² Avis Thomas-Lester, *At Christmas, Evangeline Moore Thinks of Her Martyred Parents and Demands Justice*, WASH. POST, Dec. 25, 2011, http://www.washingtonpost.com/local/at-christmas-evangeline-moore-thinks-of-her-martyred-parents-and-demands-justice/2011/12/22/gIQAtdcxHP_story.html, archived at <http://perma.cc/9L5C-W4MS>.

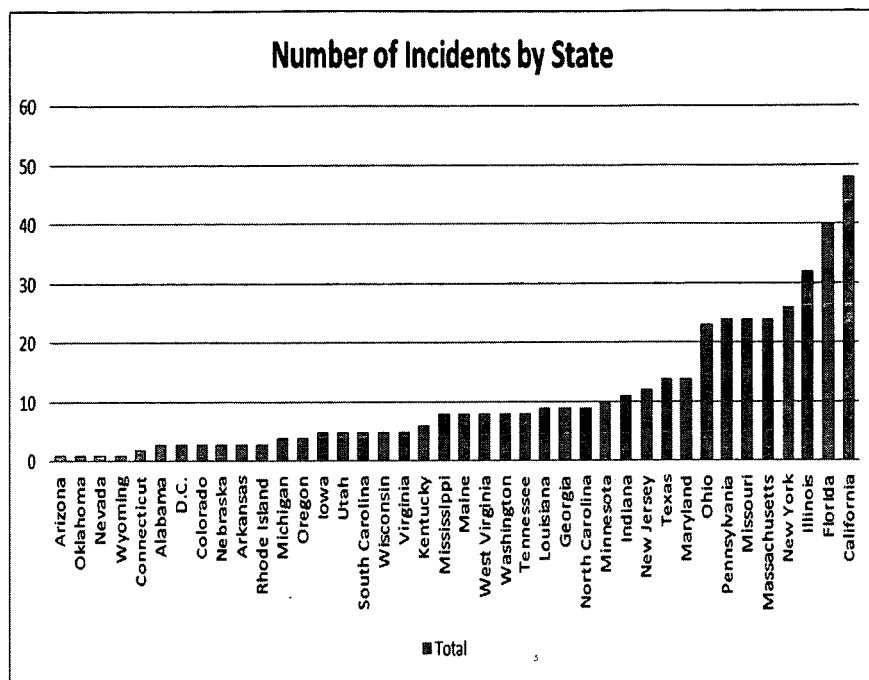
⁷³ *Id.*

⁷⁴ *Id.*

⁷⁵ Florida Office of the Attorney General, *Hate Crimes in Florida* 1, 6 (2012), [http://myfloridalegal.com/webfiles.nsf/WF/KGRG-9EWMZA/\\$file/2012HateCrimesReport.pdf](http://myfloridalegal.com/webfiles.nsf/WF/KGRG-9EWMZA/$file/2012HateCrimesReport.pdf), archived at <http://perma.cc/9VNH-VF7Q>.

⁷⁶ *Id.* at 10.

⁷⁷ Chris Howell, *Evidence of Racism Permitted in Murder Trial*, PANAMA CITY NEWS HERALD, Nov. 13, 2013, <http://www.newsherald.com/news/crime-public-safety/evidence-of-racism-permitted-in-murder-trial-1.234405>, archived at <http://perma.cc/2CZ7-C4Q3>. After he shot the victim, Butler reportedly closed the door, called 911, and finished cooking dinner. Meredith TerHaar, *Port St. Joe Man Faces Attempted Murder and Hate Crime Charges*, WJHG.COM (July 31, 2012, 8:32 AM), <http://www.wjhg.com/home/headlines/Port-St-Joe-Man-Faces-Attempted-Murder-and-Hate-Crime-Charges-164397736.html>, archived at <http://perma.cc/8VDQ-K85K>. He later told police he didn't understand what the big deal was, he had just shot a [racial slur]. *Id.* He was charged with hate crimes and attempted murder. *Id.*

Figure 2⁷⁸

Acts of anti-integrationist violence in Florida occurred all over the state, ranging from cities like Jacksonville in northern Florida, to cities in central Florida such as Fort Meyers. Large cities like St. Petersburg and Tampa experienced incidents, as did small communities like Valrico (population 35,545). The crimes included vandalism, racial slurs and graffiti, threats with shotguns, one completely destroyed dwelling, cross burnings, and shootings.

Sometimes just the threat of having African Americans in the neighborhood is enough to prompt violent responses by White residents. In January 2006, an African American family was looking at a house for sale in Hastings, Florida.⁷⁹ The family was in the process of negotiating to purchase the home.⁸⁰ The White next-door neighbor, Neil Chapman Coombs, erected on his property a set of wooden beams in the shape of a cross.⁸¹ After Coombs encountered the

⁷⁸ Data on file with author. See BELL, *supra* note 14, at 67.

⁷⁹ Press Release, U.S. Department of Justice, Hastings Man Pleads Guilty to Cross Burning (Aug. 6, 2006), available at http://www.justice.gov/opa/pr/2006/August/06_crt_542.html, archived at <http://perma.cc/BC6U-V7Z8>.

⁸⁰ *Id.*

⁸¹ *Id.*

fifteen-year-old son, Coombs set the cross on fire.⁸² Coombs had referred to the family as “niggers,” and made a remark about having a “housewarming.” Coombs told the son, “I don’t want to see you around here again, boy.”⁸³

Though it wasn’t an act of anti-integrationist violence per se, a recent Florida hate crime occurring in Hialeah, a Hispanic city with few Black residents, had many hallmarks of such crime. On January 2, 2012, Luis Alberto Gonzalez was driving in his pickup truck in Hialeah and spotted two African American men.⁸⁴ The men were walking down the side of the road because the car they were driving had gotten a flat tire.⁸⁵ Gonzalez spotted the two men, yelled a racial slur at them, and asked why they were in Hialeah.⁸⁶ Next, according to police, Gonzalez said the men “looked arrogant,” so he tried to run them down with his truck.⁸⁷

During slavery, Black slaves’ arrogance was an offense that could be punished.⁸⁸ The punishment that Gonzalez attempted to mete out shares some similarities with the case of seventeen-year-old Jordan Davis. Davis and three other Black teenagers were in a car at a gas station when Michael Dunn, a forty-seven-year-old White man, and his fiancée asked the teenagers to turn their music down.⁸⁹ Davis did not turn down the music and in response cursed at Dunn repeatedly.⁹⁰ According to one of the prosecution’s witnesses, Dunn said, “You’re not going to talk to me that way,” and retrieved a 9 mm pistol from his glove box.⁹¹ He then fired his weapon into the car, killing Davis. Dunn continued firing as the car sped away.⁹² Ten shots in total were discharged into the vehicle.⁹³

II. BLACK IN-MIGRATION AND THE “INTEGRATION NIGHTMARE”

Many Black families have moved to predominantly White neighborhoods without incident, but for many others, their arrival triggers anxiety in their White neighbors, due to both suspicion that the neighbor may have of the new

⁸² *Id.*

⁸³ *Id.*

⁸⁴ David Ovalle, *South Florida Hate-Crime Convict Draws 12 Years in Prison*, MIAMI HERALD, Sept. 4, 2013, <http://www.miamiherald.com/news/local/community/miami-dade/article1954689.html>, archived at <http://perma.cc/685Y-BJBW>.

⁸⁵ *Id.*

⁸⁶ *Id.*

⁸⁷ *Id.*

⁸⁸ OSCAR REISS, *BLACKS IN COLONIAL AMERICA* 196 (1997).

⁸⁹ Lizette Alvarez, *Jury Reaches Partial Verdict in Florida Killing Over Loud Music*, N.Y. TIMES, Feb. 15, 2014, at A20.

⁹⁰ *Id.*

⁹¹ *Id.*

⁹² Lizette Alvarez, *Florida Man Is Convicted of Murdering Teenager*, N.Y. TIMES, Oct. 2, 2014, at A18.

⁹³ *Id.*

arrivals themselves and fear that the ghetto is soon to follow. I have termed these unfounded beliefs the "integration nightmare."⁹⁴ Suspicion in the neighborhood context is often predicated on the idea of neighborhood "incongruity." Like the orange in a bowl full of apples, minority movers may be seen as suspicious because they stand out and do not racially fit the neighborhood profile.⁹⁵ Given the neighborhood's demographics, any notion of neighborhood incongruity should not have been an issue with Trayvon Martin, but George Zimmerman treated him with suspicion nonetheless. This is not surprising. Research suggests that middle-class minorities' appearance in predominately White neighborhoods is treated with suspicion.⁹⁶ Middle-class African American residents of non-Black neighborhoods are more likely to be stopped by other residents or by the police when White residents encounter

⁹⁴ See generally BELL, *supra* note 14, at 39.

⁹⁵ Zimmerman was not a police officer. If he had been, courts have held that in the context of the Fourth Amendment, a police officer may not rely solely on race to stop the only Black person or White person in a neighborhood where the majority of residents are not of that race. In one case, the court recognized the troubling implications of such reasoning, at least from a civil rights perspective. *City of St. Paul v. Uber*, 450 N.W.2d 623, 628 (Minn. Ct. App. 1990) ("Once we clear away the smoke from this case, it is clear that the stop of the appellant, which only took place after his probable residence was ascertained, is premised on the belief that after midnight, Caucasian males from the suburbs are only in the Summit-University area for no good, and that after midnight, no good is all the Summit-University area has to offer."). See also *State v. Barber*, 823 P.2d 1068, 1074 (Wash. 1992) (holding that the specific race of a person can never be out of place); *Phillips v. State*, 781 So.2d 477, 478-79 (Fla. Dist. Ct. App. 2001) (holding that stop of a Black man merely because he was seen in the vicinity of a burglary that occurred in a predominately White neighborhood, without other indicia of criminal activity, violated the Fourth Amendment); *LaFontaine v. State*, 749 So.2d 558, 560 (Fla. Dist. Ct. App. 2000) (stating that officer's observation of a White female conversing with two Black males in a predominantly Black neighborhood did not, without more, provide the officer with grounds to stop and question the woman). Cf. *Elliott v. State*, 597 So.2d 916, 917 (Fla. Dist. Ct. App. 1992) (holding that a Black man talking to a White male, along with suspicious circumstances, was enough to conclude that a drug deal was happening); *Ewen v. State*, 518 So.2d 1285, 1286 (Fla. Dist. Ct. App. 1987) (holding that a White man in a Black neighborhood, along with suspicious circumstances, was enough to suspect that a drug deal was happening).

⁹⁶ Devon Carbado, a Black law professor at UCLA, was walking with his brothers in his sister's predominantly White neighborhood. The men were surrounded by police officers and pinned against a wall at gunpoint. The officers accused Carbado and his brothers of having drugs and weapons, and only after searching the men did the police find they had neither. The officers stated that it was a neighbor who saw the men and reported seeing several Black men enter an apartment armed with guns. I. Bennett Capers, *Policing, Race, and Place*, 44 HARV. C.R.-C.L. L. REV. 43, 60 (2009); see generally JODY DAVID ARMOUR, *NEGROPHOBIA AND REASONABLE RACISM: THE HIDDEN COSTS OF BEING BLACK IN AMERICA* (1997); Devon Carbado, (*E*)*Racing the Fourth Amendment*, 100 MICH. L. REV. 946 (2002); Jeffrey Fagan & Garth Davies, *Street Stops and Broken Windows: Terry, Race, and Disorder in New York City*, 28 FORDHAM URB. L.J. 457, 477-78 (2000).

them. In some cases, courts support officers' stopping of blacks in White neighborhoods.⁹⁷

The presence of African Americans, regardless of their class or station, generates calls to the police by White residents and others who are suspicious that they are criminals, or just generally up to no good. In several recent cases from cities around the nation, innocent African Americans have been shot and killed when frightened Whites thought they were prowlers.⁹⁸ Being mistaken for a criminal is likely if the individual spotted is an African American man, as Black men are viewed as suspicious by police and White residents.⁹⁹

Anecdotally, much has been written about the general suspiciousness of Black men writ large—irrespective of alleged markers of criminality—and the extent to which innocent Black men are automatically presumed to be criminals in a variety of settings.¹⁰⁰ Police have questioned some of the most well-regarded Black male academics in the United States, including Cornel West, William Julius Wilson, and law professor Devon Carbado, when encountering these men in predominately White neighborhoods.¹⁰¹ One of the most famous examples involved Harvard professor and Cambridge resident Henry Louis Gates, whom police investigated as a prowler as he tried to enter his own home.¹⁰²

A. *Right Place, Wrong Face*

One way of explaining incidents of upper middle class Black men being mistaken for criminals in White neighborhoods is to describe these situations as cases of mistaken identity. For instance, in the case of Professor Gates, Sgt. James Crowley was pursuing a prowler and happened to mistake Gates, the homeowner, as a prowler. Similarly, George Zimmerman was patrolling his neighborhood looking for prowlers, came upon Trayvon Martin and assumed

⁹⁷ See, e.g., *Ford v. City of Rockford*, 48 F.3d 1221 (7th Cir. 1995) (holding that Ford's claims of neighborhood and racial incongruity did not meet Ford's burden of establishing officers acted with discriminatory intent); *Elliott*, 597 So.2d at 916; *Ewen*, 518 So.2d at 1286.

⁹⁸ See, e.g., Monica Davey, *Shooting of Black Woman Stirs Racial Tensions Around Detroit*, N.Y. TIMES, Nov. 15, 2013, at A11 (discussing murder of Black teen Renisha McBride in predominantly White suburb of Detroit); Kim Severson, *Asking for Help, Then Killed by an Officer's Barrage*, N.Y. TIMES, Sept. 17, 2013, at A12 (discussing the shooting death of Jonathan Ferrell, a Black former college football player, by a White police officer).

⁹⁹ L. Song Richardson, *Police Efficiency and the Fourth Amendment*, 87 IND. L.J. 1143, 1150-51 (2012). Studies using reports by police officers and drivers reveal that when Black men are driving in predominantly White neighborhoods, their license plates are checked by the police between 325%-383% more frequently than the general driving population. Capers, *supra* note 96, at 67.

¹⁰⁰ Carbado, *supra* note 96, at 1044.

¹⁰¹ Capers, *supra* note 96, at 46.

¹⁰² Abby Goodnough, *Harvard Professor Jailed; Officer is Accused of Bias*, N.Y. TIMES, July 21, 2009, at A16.

he was a prowler. In both cases, those challenging the Black men were mistaken, because both Martin and Gates had legitimate reasons for being in the areas in which they aroused suspicion. These were not just innocent mistakes. Both Martin's and Gates's mistaken identities were based on cultural constructions of Black men and where they rightfully belong.

Several other recent tragic cases illustrate incidents in which residents intending to protect White neighborhoods have rested on the assumption that African Americans present in the neighborhood were up to no good. On November 2, 2013, in Dearborn Heights, Michigan, a young Black woman, nineteen-year-old Renisha McBride, hit a parked car.¹⁰³ Dearborn Heights is 86% White and is one of the most racially segregated metropolitan areas in the country.¹⁰⁴ McBride, who witnesses say was stunned in the accident, was shot to death at close range by a White neighborhood resident, fifty-four-year-old Theodore Hall Wafer, who said he thought she was a prowler.¹⁰⁵ Though McBride had been shot through a locked screen door, authorities initially accepted Wafer's argument that he had shot McBride in self-defense.¹⁰⁶ It was not until significant public outcry and a subsequent two-week investigation by the prosecutor that Wafer was charged.¹⁰⁷ Wafer argued that he had shot McBride in self-defense.¹⁰⁸ At his murder trial Wafer testified that he heard McBride banging on his front door, and retrieved his shotgun.¹⁰⁹ He ended up shooting McBride because, "he did what he had to do to protect himself."¹¹⁰ The jury did not believe Wafer's claim of self-defense and Wafer was convicted of second-degree murder for killing McBride.¹¹¹

In similar circumstances, in September 2013, Jonathan Ferrell, a former Florida A&M University football player, was in an accident in Charlotte, North Carolina and went to a nearby house and rang the doorbell to ask for help.¹¹² After a White woman answered and saw him, she called the police and

¹⁰³ Davey, *supra* note 98.

¹⁰⁴ *See id.*

¹⁰⁵ *Id.*

¹⁰⁶ *See id.*

¹⁰⁷ Monica Davey, *Murder Charge in a Case Tied to Race Issues*, N.Y. TIMES, Nov. 16, 2013, at A1.

¹⁰⁸ Elisha Anderson & Gina Damron, *Juror: 'No One' Believed Wafer Killed McBride in Self-Defense*, DETROIT FREE PRESS (Aug. 25, 2014, 5:54 PM), <http://archive.freep.com/article/20140825/NEWS02/308250036/Wafer-juror-Renisha-McBride>, archived at <http://perma.cc/XKF3-WCTC>.

¹⁰⁹ *Id.*

¹¹⁰ *Id.* Note how Wafer's assumptions that he was in danger from an attack by McBride transformed her from a 5'4" woman into a large threatening Black man. One wonders how he could have assumed that she could break through a locked screen door.

¹¹¹ Mary Chapman & Julie Bosman, *Man Guilty of Murdering Woman at his Front Door*, N.Y. TIMES, Aug. 8, 2014, at A12.

¹¹² Severson, *supra* note 98.

reported that someone was trying to break in. Officers responded, and Ferrell was shot ten times. He died at the scene.¹¹³

Individuals of African descent may be considered suspicious even when they are engaged in the most ordinary of neighborly tasks. This is true even when the individual is the most unlikely of criminal suspects. Consider the case of African immigrant Jean Kalonji. In March 2012, Kalonji and his wife Angelica had just purchased a new home in Newton County, Georgia.¹¹⁴ They were attempting to change the locks on their new dwelling when they were confronted by White neighbors armed with guns who accused them of trying to break in.¹¹⁵ The Newton County Sheriff was called in because the Kalonjis did not have their closing papers to prove ownership.¹¹⁶ They were arrested and held on charges of loitering and prowling, though the charges were eventually dismissed.¹¹⁷

B. *The Integration Nightmare and Blacks as Bad Neighbors*

Despite the obvious differences, there are some similarities between the case of Trayvon Martin and that of Henry Louis Gates. Both were seen as suspicious because they were Black men in White neighborhoods. The integration nightmare makes Blacks who are legitimately in White neighborhoods look suspicious. The integration nightmare posits that after a single minority member moves to the neighborhood, other individuals of his or her race will follow, and the neighborhood will quickly be transformed into a ghetto, with all the attendant ills—high crime, poverty, poor schools, and few social services. For most residents terrified by the integration nightmare, the most important ramification of a more racially diverse neighborhood is plummeting property values. Consider this expression of the integration nightmare as described by one White resident in the 1970s:

We're not just talking about a few blacks. At first it would be ten, then it would be twenty, and who knows what might happen? We've run from neighborhoods that changed overnight. How do we know Canarsie will be viable five years from now? We're scared to death.¹¹⁸

Contemporary belief in the integration nightmare ignores the specific set of situations that created certain neighborhoods' rapid transition from middle-class White to all-Black. While urban neighborhoods around the country did

¹¹³ *Id.*

¹¹⁴ Christian Boone, *Newton Deputies who Arrested New Homeowners Will Keep Jobs*, ATLANTA-JOURNAL CONST., May 11, 2012, <http://www.ajc.com/news/news/local/newton-deputies-who-arrested-new-homeowners-will-k/nQTmG/>, archived at <http://perma.cc/UM8Y-XJCJ>.

¹¹⁵ *Id.*

¹¹⁶ *Id.*

¹¹⁷ *Id.*

¹¹⁸ JONATHAN RIEDER, CANARSIE: THE JEWS AND ITALIANS OF BROOKLYN AGAINST LIBERALISM 84 (1985).

undergo rapid racial change in the 1950s and 1960s, many of the factors that led to this phenomenon were time- and location-specific. For instance, scholars have noted that in several cases the rapid turnover of neighborhoods was fostered at least in part by real estate blockbusters, who affirmatively engaged in fear-mongering and encouraged Whites to sell to protect their property values.¹¹⁹ There was also the issue of the wide availability of cheap, spacious houses financed by the federal government, which helped fuel White flight to the suburbs.¹²⁰ As times and other factors changed, the likelihood of the nightmare's reoccurrence diminished.

Belief in this fiction has nevertheless persisted. Whites' resistance to minority presence because of their assumption that minorities are bad for the neighborhood does not occur as the result of a rational process. The neighborhood transformation wrought by the integration nightmare is instantaneous and it is assumed to occur irrespective of the individual characteristics of the person who moves to the neighborhood. So for instance, if a Black doctor moves to an upscale neighborhood, those who believe in the integration nightmare think that other minorities are likely to follow, regardless of the fact that houses in the neighborhood are generally out of the financial reach for most minorities. In addition, worries about the danger of large numbers of minorities moving to a particular neighborhood began with the arrival of a single individual.

One vivid expression of the integration nightmare can be found in this flyer that was placed one night in September 1997 on the front lawn of a Black family living in Murray, Kentucky:

We don't know if you have realized this or not, but you and your family are niggers. We, as members of a white society, do not condone the idea of having niggers living in our community. We are not happy to see our property values plummet to an all time low. We have worked hard to bring up our property value with strict community restrictions. Since the real estate appraisers have learned that niggers live in our communities, we have lost thousands of dollars on the resale value of our homes.¹²¹

The reasoning inherent in the nightmare is clearly directed at all minorities who are attempting to integrate. If a White person moves into a neighborhood, he can do certain things to affect his quality as a neighbor. Does his dog bark incessantly? Are there rusted cars in front of the house? Alternatively, is the property maintained? Is the lawn mowed? Are there beautiful plantings? The situation is quite different for many minorities, especially if they happen to be African American. If minority presence is being resisted, it does not matter

¹¹⁹ THOMAS J. SUGRUE, *THE ORIGINS OF THE URBAN CRISIS: RACE AND INEQUALITY IN POSTWAR DETROIT* 46 (1996).

¹²⁰ See generally DAVID M. P. FREUND, *COLORED PROPERTY: STATE POLICY AND WHITE RACIAL POLITICS IN SUBURBAN AMERICA* 5 (2007); KENNETH T. JACKSON, *CRABGRASS FRONTIER: THE SUBURBANIZATION OF THE UNITED STATES* (1985).

¹²¹ *United States v. Mahan*, 190 F.3d 416, 419 (6th Cir. 1999).

how “good” a neighbor is. Violence and harassment directed at minorities end up not being based on the actions or characteristics of the individual being attacked. It is “Blackness” in and of itself that prompts the violence.

CONCLUSION

Trayvon Martin, Renisha McBride, and Jonathan Ferrell. Each of these unarmed African Americans was shot and killed while engaging in innocent behavior in neighborhoods where they were “suspicious” because they were African American. Renisha McBride and Jonathan Ferrell were shot after they knocked on a stranger’s door for help. Most recently, seventeen-year-old Jordan Davis was shot over loud music in Florida.¹²² The mere presence of African Americans is all too often seen as a disruption of either the real—the monochromatic all-White neighborhood—or, in the case of more mixed neighborhoods, the ideal: White. African Americans’ race visibly marks them as outsiders, unknown, and because of the dynamics of contemporary housing segregation, unknowable.

The idealization of White neighborhoods in some cases leads to hate crimes committed against minorities who cross the color line, and in others, discrimination leveled at people of color, particularly African Americans, who are presumed to be outsiders in their own neighborhoods. Presuming that a Black resident is an outsider is much more than a petty indignity; it is a wholesale, sometimes violent, rejection of that individual by the community of which one is legitimately a part. It is also a violation of important civil rights, protected under federal law.

The Fair Housing Act was passed and signed into law to guarantee Americans the equal right of access to neighborhoods regardless of color. More than forty-five years after its enactment, full access to housing remains illusory for many African Americans, who remain America’s most segregated racial group. These harms are inflicted even on individuals who have the economic wherewithal to purchase and rent in the White neighborhoods in which they chose to live.

Paradoxically, although numerous violations occur in diverse neighborhoods as well, efforts at integration remain vital to fulfilling the Fair Housing Act’s promise. Neighborhoods are critical places of interaction and shared community. Even in circumstances where one does not have relationships with one’s neighbors, seeing an individual in one’s neighborhood is likely to create some degree of familiarity. If an individual lives in close proximity, we may learn facts about his or her daily life—what kind of car he or she drives, what time he or she leaves for work, his or her family size, the games his or her children play, how he or she spends leisure time.

Comparisons between oneself and one’s neighbors are inevitable. For minorities who may be “unknown” to their White neighbors, even small pieces of knowledge can normalize and legitimize. The preservation of White

¹²² Alvarez, *supra* note 92.

neighborhoods though violence and discrimination means that the vast majority of Whites do not see African Americans in the more relaxed settings of their neighborhood, making it far easier for Whites to view African Americans as “strange” or threatening. Moreover, segregation of neighborhoods leads to segregated work places and schools. Until African Americans are truly welcomed as neighbors by Whites, the full promise of the Fair Housing Act will not be realized.

BOSTON UNIVERSITY LAW REVIEW